

REMARKS

Claims 1-27 are pending in the application. Applicant hereby affirms the election of Group I, directed to claims 1-9, 26, and 27. It is respectfully submitted that the subject matter of all claims 1-27 is sufficiently related that a thorough search for the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be performed without serious burden. MPEP §803 clearly states that "[i]f the search and examination of the entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions." (emphasis added) It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office. The Examiner is respectfully requested to reconsider and withdraw the Restriction Requirement and to examine all claims in this application.

This Amendment currently amends claims 1, 3, 26, and 27. No new matter is added to currently amended claims 1, 3, 26, and 27. Claims 1, 3, 26, and 27 are currently amended to merely clarify the subject matter of the claims and in no way narrow the scope of the claims in order to overcome the prior art or for any other statutory purpose of patentability.

Notwithstanding any claim amendments of the present Amendment or those amendments that may be made later during prosecution, Applicant's intent is to encompass equivalents of all claim elements. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 3, 26, and 27 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,235,509 to Mueller et al. (hereinafter, Mueller). Claims 2 and 4-9 stand rejected under 35 U.S.C. §103(a) as unpatentable over Mueller.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

The claimed invention, as defined in independent claim 1, is directed to a method for conducting electronic commerce that comprises browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium, recognizing that the user is lost in attempting to find said item, and interactively querying, at any time during a session, of said user whether the user needs help in finding said item.

The claimed invention, as defined in independent claim 26, is directed to a system for performing electronic commerce that comprises means for browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium, means for recognizing that the user is lost in attempting to find said item, and means for interactively querying, at any time during a session, of said user whether the user needs help in finding said item.

The claimed invention, as defined in independent claim 27, is directed to a signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of conducting electronic commerce. The method comprising browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium, recognizing that the user is lost in attempting to find said item, and interactively querying, at any time during a session, of said user whether the user needs help in finding said item.

An exemplary embodiment of the present invention describes a very sophisticated invention where the context is that of an electronic store that can list a large number of items in large categories, where the customer may spend a lot of time browsing through the electronic store and searching for items either by navigation through categories or by a keyword search.

Another exemplary embodiment of the present invention portrays extensive software sophistication to track user behavior, e.g., navigating, browsing, clicking, searching, etc., to determine what the user might be looking for. The present invention may include extensive facilities for the customer to practice his/her typical behavior using the Internet browser, i.e., navigating, browsing, clicking, or searching, and tracks these behaviors to provide help in a behavioral context by directing the customer to the appropriate category with dynamic help or a

live person who can help either through a chat system or a phone line. The present invention may also encompass directing to a help category or to a person who is an expert in the area of the customer's query.

II. THE PRIOR ART REJECTIONS

Mueller discloses a customer self-ordering system in which a customer can order items on a computer terminal located within a store or restaurant. The computer terminal is connected to an order-taking terminal and a cashier terminal within the store or restaurant. This system allows customers to auto-order without a service person or waiter and provides the ability, if the customer is lost, to have live help provided by personnel of the store or restaurant.

In particular, Mueller discloses a computer terminal-based food ordering system, which provides an option of signaling for live help from personnel within the restaurant.

Independent claims 1, 26, and 27 recite at least the features of "browsing, by a user, at an electronic store (e-Store) for an item over an electronic medium; ... and interactively querying, at any time during a session, of said user whether the user needs help."

The present invention describes a system of electronic commerce, where a customer "visits" an electronic store over an electronic medium, e.g., the Internet, by using a browser and where the customer may be provided help electronically by an electronic store assistant, if "lost."

In contrast, Mueller does not disclose, teach or suggest customers using an electronic medium to access an electronic store; nor does Mueller disclose, teach or suggest a means of electronic commerce, where, if a customer is "lost," electronic help can be interactively provided to the customer's terminal by an electronic store assistant, i.e., the customer is shopping from home over the Internet at a virtual electronic store without physically visiting a physical store, as in Mueller.

The fact that "dynamic help is provided to a shopper" by Mueller makes the Examiner believe that the prior art addresses the subject matter of the invention. This is not the case. Mueller does not disclose, teach or suggest "browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium; ... and interactively querying, at any time during a session,

of said user whether the user needs help in finding said item," as recited in independent claims 1, 26, and 27.

Mueller's system particularly relies on the context of a single physical store where the customer and the store personnel are physically in close proximity and where "live" help can be provided by store personnel physically walking up to the customer (or vice versa) and offering help. Mueller merely provides an alternative to reducing the number of support personnel in a store, e.g., waiters in a restaurant. The implementation and usefulness of Mueller's system heavily relies on the fact that the customer and the store support personnel are in close proximity and help cannot be asked for or provided easily. Also, the customer comes to order particular items in the store, not to browse.

The environment of use of Mueller's system is quite primitive and is monolithic in the sense that the computer terminal is programmed only to support the customer ordering the items in the store. The challenges of an electronic commerce system are quite advanced and different. The user comes from his/her computer, uses a browser, and connects over the Internet. The customer and the store can be significantly far apart in geographical location. In fact, the consumer is generally unaware of the location of the store where the items are kept or inventoried. The customer while on his/her computer can be multi-tasking, i.e., doing other things, with the browsing activity being but one of his/her tasks.

The present invention describes a very sophisticated invention where the context is that of an electronic store that can list a large number of items in large categories, where the customer may spend a lot of time browsing through the electronic store and searching for items either by navigation through categories or by a keyword search.

In contrast, the invention of Mueller does not describe the above context. In Mueller's system, the user/customer must physically be present in the store.

The present invention also portrays extensive software sophistication to track user behavior, e.g., navigating, browsing, clicking, searching, etc., to determine what the user might be looking for. The present invention includes extensive facilities for the customer to practice his/her typical behavior using the Internet browser, i.e., navigating, browsing, clicking, or

searching, and tracks these behaviors to provide help in a behavioral context by directing the customer to the appropriate category with dynamic help or a live person who can help either through a chat system or a phone line. The present invention also encompasses directing to a help category or to a person who is an expert in the area of the customer's query.

For at least the reasons outline above, Applicant respectfully submits that Mueller does not disclose, teach or suggest the features of "browsing, by a user, at an electronic store (e-Store) for an item over an electronic medium; ... and interactively querying, at any time during a session, of said user whether the user needs help," as recited in independent claims 1, 26, and 27. Accordingly, Mueller fails to anticipate, or to render obvious, the subject matter of independent claims 1, 26, and 27, and claims 2-9, which depend from claim 1. Withdrawal of the rejection of claims 1, 3, 26, and 27 under 35 U.S.C. §102(b) as anticipated by Mueller and of the rejection of claims 2 and 4-9 under 35 U.S.C. §103(a) as unpatentable over Mueller is respectfully solicited.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-9, 26, and 27, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

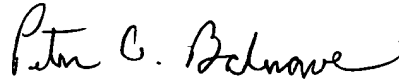
Serial No. 09/672,305
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ALM.024

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

Date: 11/28/03

A handwritten signature in cursive script, reading "Peter A. Balnave".

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